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CERTIFICATE OF MAILING BY FIRST-CLASS MAIL

I hereby certify that the below identified Applicant's Declaration Under 37 C.F.R. § 1.132 is being deposited as first-class mail this date with the United States Postal Service in an envelope addressed to Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Date February 10, 2005By: 

Beverly Fletcher

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: **Jill Stamm, et al.** Docket No.: **39672.0200**
Serial No.: **10/028,335**; Confirmation No.: **2536** Art Unit: **3712**
Filing Date: **December 21, 2001** Examiner: **Suhol, Dmitry**
Title: **SYSTEM AND METHOD FOR FACILITATING EARLY CHILDHOOD BRAIN
DEVELOPMENT**

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

I, JILL STAMM, declare as follows:

1. I am a co-inventor of the subject matter described and claimed in United States patent application Serial No. 10/028,335, filed December 21, 2001, entitled "SYSTEM AND METHOD FOR FACILITATING EARLY CHILDHOOD BRAIN DEVELOPMENT", which subject matter is disclosed and claimed in the above-referenced patent application.

2. In my work as a Professor in Educational Psychology with an emphasis in Learning, I deal with individuals who specialize in child brain development. I also work with non profit organizations, social workers, schools and other such organizations that are looking to implement teaching tools to focus on early childhood brain development.

3. I believe (and many of these individuals have commented that), while there are many books and toys that exist which may help a child develop; none of the present products, such as the "Brilliant Beginnings" product, allow caregivers to determine an area of child brain development or future school skill development that they desire to improve in children.

4. Accordingly, I helped develop a product which allows caregivers to choose activities that include associated activity cards which explain how an activity should be implemented and directly identify how the activity relates to a specific area of brain development and future school skill development.

5. As a result, caregivers have purchased the invention (as claimed in the above patent application) because it offers both usability and teachability. For example, customers have commented that they purchased the product (and will purchase more in the future), because the product includes:

- (i) caregiver directions for how to conduct an interactive play session with a child,
- (ii) activities associated with various activity items (toys, books, etc.) that stimulate the various stages of brain development and promotes healthy early brain development,
- (iii) a description of the importance of each activity to the development of the brain,
- (iv) a description of the importance of each activity to said early development of future school skills,
- (v) background information about each type of activity,
- (vi) the child's age for which each activity is targeted,
- (vii) suggestions about what to say to a child, and

(viii) extensions and variations of each activity to accomplish the same defined goal (the specific aspect of brain development or future school skill development).

6. The method and product described in the present application (called "the Brain Box") has enjoyed great commercial success in that we have never had a backlog of product and cannot manufacture our product quickly enough to meet all the demand. As such, each unit that we have manufactured has been purchased instantaneously.

7. The Brain Box is expensive compared to the Brilliant Beginnings books, for the Brain Box set is priced at approximately \$1500 while the Brilliant Beginnings books cost approximately \$40 each.

8. The Brain Box does not have a high profit margin. The pricing of the product is driven by manufacturing constraints--we can only produce 30 sets per manufacturing cycle.

9. Since we began selling the invention in limited areas, and despite the high price of the Brain Box, we have been met with an overwhelmingly positive response from not only the childcare community, but also from libraries, public schools, business leaders, private foundations, university faculty and parents.

10. Examples of our current sales are as follows:

(i) Seventy-five complete sets are now in use throughout the greater Phoenix area.

(ii) These sets were purchased for use in the Phoenix Public Library System, in 17 individual school districts, in 8-10 child daycare businesses, and several for home use.

(iii) Arizona's Governor Janet Napolitano's office has also expressed an interest in the Brain Boxes for their comprehensive, instructional capabilities.

11. My company that sells the Brain Boxes has over \$112,000 in gross sales of the current invention.

12. In addition, we have outstanding orders for 40 more units, including 30 units to the Yuma School District this year with an additional 20 units per/year thereafter and 9 sets to the Maricopa Community College system in their Child Development Centers.

13. None of these purchasers are normally tied or associated to myself or to the assignee, New Directions Institute.

14. Because I have done little to no advertising, these sales can all be attributed to the uniqueness of the present invention (e.g., correlation of activities to brain development and future school skills).

15. For example, I have never advertised the present invention on the Internet, in print, on television, on radio, and/or in any other medium. In fact, I have not spent any money on advertising.

16. The only "advertising" that I have completed is by way of mentioning the present invention (called the "Brain Box") in response to inquiries that I have received from consumers wondering where they can find a product that A) establishes a brain development link to a specific area of the brain by analyzing different activities to determine how the different activities stimulate various stages of brain development, such as security and emotional attachment, touch and sensory integration, vision and visual discrimination, play and playfulness, and sound and auditory discrimination and B) establishes a school skill link by determining how the activities promote early development of future school skills in a child.

17. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Dated: 1/3/05

By: Jill Stamm, Ph.D.
Dr. Jill Stamm